

**Remarks:**

These remarks are responsive to the Office action dated December 27, 2005. As of the filing of this Request for Reconsideration, claims 1-25 remain pending in the application. Claims 1-6, 8, 10-18 and 20-25 stand rejected under 35 U.S.C. §102(e) based on Kaufman et al. (US Patent Application Publication No. 2002/0163662). Claims 7 and 9 stand rejected 35 U.S.C. §103(a) based on Kaufman et al. in view of Nobuyuki (JP 11-134126). Claim 19 stands rejected under 35 U.S.C. §103(a) based on Kaufman et al. in view of Kargman (US Patent Application Publication No. 2003/0158790).

Kaufman et al. is newly cited in the present Office action, and thus could not have been previously addressed by applicants. Applicants thus now address by providing the included Declaration Under § 1.131, which demonstrates applicants' invention of their claimed subject matter prior to the earliest possible effective date of Kaufman et al. Kaufman et al. thus is not available as prior art, and the rejections under 35 U.S.C. §102(e) and under 35 U.S.C. §103(a) based on Kaufman et al. must be withdrawn.

Applicants also note that the Examiner has not clearly established the effective date of Kaufman et al. as being any earlier than May 1, 2002 (a date after applicants' July 1, 2001 filing date). Although the reference specifies related applications including Provisional Application No. 60/287,761 (filed May 1, 2001) and Continuation-in-part Application No. 09/642,538 (filed August 18, 2000), the Examiner has not determined that either the provisional application or the continuation-in-part application provide proper support for the cited subject matter as

Page 7 - REQUEST FOR RECONSIDERATION  
Serial No. 09/909,501  
HP Docket No. 10003562-1  
KH Docket No. HPCC 3E2

required by MPEP 706.02(a). The Examiner also has not indicated which date the Examiner considers to be the effective date of Kaufman et al.

Applicants expressly do not concede that such support exists, and thus maintain that the reference is unavailable even absent the included Declaration Under § 1.131. The effective date of Kaufman et al. thus is May 1, 2002, a date after the filing date of the present application. The rejections under 35 U.S.C. §102(e) and under 35 U.S.C. §103(a) based on Kaufman et al. thus must be withdrawn for at least this additional reason.

Applicants believe that this application is now in condition for allowance, in view of the above remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner G. Neurauter, Group Art Unit 2143, Assistant Commissioner for Patents, at facsimile number (571) 273-8300 on February 22, 2006.



Christie A. Doolittle

Page 8 -

REQUEST FOR RECONSIDERATION  
Serial No. 09/909,501  
HP Docket No. 10003562-1  
KH Docket No. HPCC 3E2